

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

USA GYMNASTICS,¹

Debtor.

Chapter 11

Case No. 18-09108-RLM-11

**JOINT STIPULATION AND AGREED ORDER
DETERMINING THAT CLASS ACTION PROCEDURES
SHALL NOT APPLY TO SEXUAL ABUSE CLAIM 529
AND WITHDRAWING SEXUAL ABUSE CLAIM 541**

USA Gymnastics, as debtor and debtor in possession in the above-captioned chapter 11 case (the “**Debtor**”) and Kelly Doe, and collectively with the Debtor, the “**Parties**”), hereby jointly stipulate (this “**Joint Stipulation**”), pursuant to Rules 3006 and 9014 of the Federal Rules of Bankruptcy Procedure, that (i) claim 529 was not filed as a purported class action claim, but was filed as Kelly Doe’s individual claim, (ii) Kelly Doe shall not move to have class action procedures to claim 529, and (iii) Kelly Doe shall withdraw duplicative sexual abuse claim 541. The Parties respectfully state as follows:

RECITALS

A. On December 5, 2018, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the U.S. Code, 11 U.S.C. §§ 101-1532, *et seq.*, in the United States Bankruptcy Court for the Southern District of Indiana.

B. On February 19, 2019, Kelly Doe filed general unsecured claim 106. Because the claim alleged sexual abuse, the Debtor’s claims agent moved it to the sexual abuse claims docket

¹ The last four digits of the Debtor’s federal tax identification number are 7871. The location of the Debtor’s principal office is 130 E. Washington Street, Suite 700, Indianapolis, Indiana 46204.

and assigned it sexual abuse claim number 541 (“**Sexual Abuse Claim 541**”). An attachment to Sexual Abuse Claim 541 indicated that Kelly Doe sought damages on an individual basis and on behalf of a class of sexual abuse survivors. Kelly Doe stated that she would file a class action complaint at a later date.

C. On April 29, 2019, Kelly Doe filed sexual abuse claim 529 (“**Sexual Abuse Claim 529**”). Sexual Abuse Claim 529 attached and incorporated a class action complaint filed on the same date in the United States District Court for the Southern District of Indiana. Again, Sexual Abuse Claim 529 requested individual damages for Kelly Doe and damages for a proposed class of sexual abuse survivors.

D. In order to promote the efficient resolution of this case, the Parties have conferred and determined that Kelly Doe will not seek class-wide relief. Further, the Parties have determined that Sexual Abuse Claim 541 is superseded by and duplicative of Sexual Abuse Claim 529.

NOW, THEREFORE, the Parties agree as follows:

1. Kelly Doe shall prosecute Sexual Abuse Claim 529 solely in her individual capacity and not on behalf of a purported class. Class action procedures shall not apply to the claims administration process for Sexual Abuse Claim 529. All parties in interest, including the Debtor and the Committee of Sexual Abuse Survivors, retain their rights to object to Sexual Abuse Claim 529 on any other basis.

2. The entry of this Joint Stipulation shall have no effect on the allowance or disallowance of Sexual Abuse Claim 529 asserted in Kelly Doe’s individual capacity, which shall be determined at a later date.

3. Sexual Abuse Claim 541 is hereby withdrawn, effective immediately. The Debtor's claims agent, Omni Management Inc., shall revise the register of sexual abuse claims to reflect that Sexual Abuse Claim 541 has been withdrawn.

4. The Debtor's agreement to this Joint Stipulation does not constitute an admission that any claim is valid and should be allowed. All parties in interest retain their rights to object to all other claims on any basis whatsoever.

WHEREFORE, the Parties respectfully request that the Court enter the joint stipulation and agreed order substantially in the form attached hereto as Exhibit A. Notice of this Joint Stipulation will be provided in accordance with *Order Granting Debtor's Motion For Order Establishing Certain Notice, Case Management, And Administrative Procedures* [Dkt. 213].

Dated: September 12, 2019

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Catherine Steege

Catherine L. Steege (admitted *pro hac vice*)
Dean N. Panos (admitted *pro hac vice*)
Melissa M. Root (#24230-49)
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350
csteege@jenner.com
dpanos@jenner.com
mroot@jenner.com

Counsel for the Debtor

**KLEE, TUCHIN, BOGDANOFF &
STERN LLP**

By: Mr. J. Pfister

Robert J. Pfister (IN Bar No. 23250-02)
1999 Avenue of the Stars, 39th Floor
Los Angeles, California 90067
(310) 407-4000
rpfister@ktbslaw.com

Counsel for Kelly Doe